

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CAROL L. KAMENSTEIN, individually and in
her capacity as joint tenant, DAVID R.
KAMENSTEIN, individually and in his
capacity as joint tenant, SLOAN G.
KAMENSTEIN, and TRACY D. KAMENSTEIN,

Defendants.

Adv. Pro. No. 10-04469 (CGM)

**NOTICE OF MOTION FOR SUMMARY JUDGMENT DISMISSING THE COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION AND MOTION OF DEFENDANT TRACY
KAMENSTEIN FOR PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment Dismissing the Complaint for Lack of Subject Matter Jurisdiction and Motion of Defendant Tracy Kamenstein for Partial Summary Judgment, the Statement of

Material Facts in Support of Defendants' Motion for Summary Judgment Dismissing the Complaint for Lack of Subject Matter Jurisdiction and Motion of Defendant Tracy Kamenstein for Partial Summary Judgment, the Declarations of Helen Davis Chaitman, David R. Kamenstein, Carol L. Kamenstein, and Tracy D. Kamenstein in support of the Motions, with all exhibits annexed thereto, and upon all the prior pleadings and proceedings herein, Defendants Carol L. Kamenstein, David R. Kamenstein, Sloan G. Kamenstein, and Tracy D. Kamenstein, by and through their counsel, move this Court, before the Honorable Cecelia G. Morris, United States, Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, 355 Main Street Poughkeepsie, New York 12601, for an order granting Defendants' motion for summary judgment dismissing the complaint for lack of subject matter jurisdiction and the motion of Defendant Tracy Kamenstein for partial summary judgment dismissing the complaint against her, pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure and Rule 56 of the Federal Rules of Civil Procedure, together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Plaintiff's answering papers and cross-motion for summary judgment shall be served and filed on or before December 23, 2020, Defendants' reply and opposition to Plaintiff's cross-motion shall be served and filed on or before January 8, 2021 and Plaintiff's reply papers shall be served and filed on or before January 22, 2021. Oral argument on the Motions is currently scheduled for January 27, 2021 at 10:00 a.m.

Dated: November 25, 2020
New York, New York

CHAITMAN LLP

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